STATE OF NORTH CAROLINA
DEPARTMENT of ENVIRONMENTAL QUALITY
DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

PERMIT NO. NCS000376
TO DISCHARGE STORMWATER UNDER THE

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of North Carolina General Statute 143-215.1, other lawful standards and regulations promulgated and adopted by the North Carolina Environmental Management Commission, and the Federal Water Pollution Control Act, as amended,

North Carolina State University

is hereby authorized to discharge stormwater from parking lots, roof drains, and grassed areas located on North Carolina State University to receiving waters of the State – Crabtree Creek, Richlands Creek, Bushy Branch, North Creek, Rocky Branch, House Creek, Walnut Creek and unnamed tributary east of Lake Raleigh within the Neuse River Basin in accordance with the discharge limitations, monitoring requirements, and other conditions set forth in Parts I through VIII.

This permit shall become effective [date].

This permit and the authorization to discharge shall expire at midnight on [date].

Signed this day [date].

for Tracy E. Davis, P.E., CPM
Division of Energy, Mineral, and Land Natural Resources
By the Authority of the Environmental Management Commission

draft

THIS PAGE INTENTIONALLY BLANK

draft

TABLE OF CONTENTS

draft

draft

THIS PAGE INTENTIONALLY BLANK

PART I PERMITTED ACTIVITIES

A. During the period beginning on the effective date of the permit and lasting until expiration, North Carolina State University is authorized to discharge stormwater associated with parking lots, roof drains, and grassed areas. The majority of stormwater runoff passing through the University's storm sewer system discharges to waters of the state. Many of the discharges from University outfalls include contributions from the City of Raleigh's storm sewer system and non-University facilities, for which the University has no control. Discharges that are solely from University property are primarily associated with parking lots, roof drains, and grassy areas. Systems that contribute to the University's system, or to which the University's system may discharge, are privately owned and maintained, or owned and operated by the City, County, State or Federal authorities. NC State University properties specifically addressed in this permit cover an area of approximately 2,500 acres.

B. The following list identifies the precincts, their districts and a brief description of land use covered by this permit.

1. Centennial Campus Precinct

   a. Centennial Campus consists of approximate 1,000 acres that is utilized for academic and research activities, and will continues to develop residential, retail and recreational projects within the timeframe of this permit.

   b. The Spring Hill District consists of approximately 135 acres that was a portion of Dorthea Dix Hospital. The District lies east of Centennial Parkway and Centennial Campus. At this time, the District is in the master planning phase and will be delineated once rezoning has been completed. Currently, the district includes areas of mixed use and residential. Delineation of the storm sewer system has not yet been completed.

2. Central Campus Precinct

   a. Central Campus Precinct is comprised of the following districts: Doak Field District, Bragaw District, Food Science District, Carmichael District, Intramural District, Reynolds District, Weisiger-Brown District, North District, South District, Greenhouse Center District, King Village District

   b. The Central Campus Precinct consists of approximately 259 acres bounded by the Southern Railroad (Norfolk Southern/CSX) tracks, Western Boulevard, Pullen Road and Gorman Street. There is an additional 50 acres between the area west of Gorman Street and the I-440 beltline.

   c. The Doak Field, Bragaw, Food Sciences, Carmichael, Intramural, Reynolds, and Weisiger-Brown Districts consist of residential (dormitory) and student services, academic and research facilities, and recreational uses, such as athletic fields and wooded areas.

   d. The North District mainly consists of Facilities Operations activities that include motor pool services, shop buildings, landscape services, and solid waste management and recycling operations. The Motor Pool (NCG080128) currently has continued coverage under general permit NCG080000.

draft

e. Existing uses within the South District include administrative services, stores, student housing and printing activities. This district also includes the Chemical and Radioactive Waste Management Facility.

f. The Greenhouse Center District is research-oriented, and consists of the Method Road greenhouses and related facilities.

g. The King Village District is primarily residential, and consists of E. S. King Village (family housing) and athletic fields.

3. North Campus Precinct

a. The North Campus Precinct consists of the West District, Central District, and East District.

b. The North Campus Precinct consists of approximately 100 acres of University properties north of the Southern Railroad railroad tracks. This precinct consists of classroom and research facilities, dormitories and administrative services.

4. South Campus Precinct

a. The South Campus Precinct is comprised of the McKimmon Center District, Research Annex South District, Fraternity Court District, and Avent Ferry Complex District.

b. The South Campus Precinct consists of approximately 115 acres. This precinct includes University properties between Western Boulevard, Gorman Street, and Avent Ferry Road. The McKimmon Center and Research Annex South Districts are primarily service and research areas. The Fraternity Court and Avent Ferry Districts are residential and office space. The South Campus Precinct includes a Facilities Operations Center.

5. West Precinct

a. Centennial Biomedical Campus (CBC) District, Arboretum District, Horticulture District, Research Annex West District, and Carter-Finley Stadium (Stadium).

b. The West Precinct consists of three separate areas, which have their own districts. The main area consists of the CBC. The next area is a 56-acre tract consisting of the Arboretum, Horticulture and Research Annex West Districts. The third area is composed of Carter-Finley Stadium.

c. Land use within the CBC District is primarily research and agriculture. This District includes a hazardous waste accumulation building, an animal waste lagoon and a Facilities Operations Center.

d. The Arboretum and Horticulture Districts are primarily utilized for horticultural and biological research. Along with research facilities, the University's central warehouse is located in the Research Annex West District.

draft

e. The University is responsible for operating and maintaining Carter-Finley Stadium and the associated parking lots.

C. Nearby University facilities such as Randleigh Farm, University Research Unit #1 west of Blue Ridge Road and Lake Wheeler Road Field Laboratories south of Tryon Road are primarily rural, with relatively undefined stormwater conveyances. Stormwater runoff at these sites is managed in compliance with pertinent requirements for those locations. These sites are not included in this application.

D. The North Carolina State University Motor Pool (NCG080128) currently has continued coverage under general permit NCG080000. The certificate of coverage is valid for the duration of the General Permit (October 31, 2012). This facility shall comply with the conditions and requirements of the general and/or individual permit as well as any additional requirements set forth in the Municipal Separate Storm Sewer System (MS4) Permit and Stormwater Management Plan.

E. All discharges authorized herein shall be adequately treated and managed in accordance with the terms and conditions of this permit. Any other point source discharge to surface waters of the state is prohibited unless it is an allowable non-stormwater discharge or is covered by another permit, authorization or approval.

F. This permit does not include water quality-based effluent limits; therefore, in the event the permittee's discharges are found by the NC DEQ Division of Energy, Mineral and Land Resources (Division) to cause or contribute to a violation of in-stream water quality standards, North Carolina State University and the Division shall conduct an assessment and implement the permit requirements necessary to adequately address the permittee's contribution to the water quality standards violation.

G. This permit does not relieve North Carolina State University from responsibility for compliance with any other applicable federal, state, or local law, rule, standard, ordinance, order, judgment, or decree.

H. This permit covers activities associated with the discharge of stormwater from the MS4 within the jurisdictional area of the permittee and surrounding areas as described in the approved local Stormwater Plan to control potential pollution from the MS4. The permit applies to current and future jurisdictional areas of the permittee, as well as areas that seek coverage under this permit through inter-local or other similar agreements with permittee. Agreements for coverage under this permit must be approved by the Division of Energy, Mineral and Land Resources, herein referred to as the Division.

I. The Division may deny or revoke coverage under this permit for separate entities and require independent permit coverage as deemed necessary. In addition, the permittee may petition the Division to revoke or deny coverage under this permit for specific entities.

J. Under the authority of Section 402(p) of the Clean Water Act and implementing regulations 40 CFR Part 122 and 124, North Carolina General Statutes 143-215.1 and Session Law 2006-246 and in accordance with the approved Stormwater Plan, all provisions contained and referenced in the Stormwater Plan are enforceable parts of this permit. The permittee will develop and implement its approved Stormwater Plan in accordance with Section 402(p)(3)(B) of the Clean Water Act, provisions outlined by the Director, and the provisions of this permit.

Draft

K. The permit authorizes the point source discharge of stormwater runoff from the MS4. In addition, discharges of non-stormwater are also authorized through the MS4 of the permittee if such discharges are:

1. Permitted by, and in compliance with, another NPDES discharge permit including discharges of process and non-process wastewater, and stormwater associated with industrial activity; or

2. Determined to be incidental non-stormwater flows that do not significantly impact water, as described in Part II, Section C.

draft

PART II MONITORING, CONTROLS, AND LIMITATIONS FOR PERMITTED DISCHARGES

SECTION A EDUCATION AND OUTREACH PROGRAM

1. Objectives

a. Maintain a program to train/inform staff, volunteers, students, and contractors about the importance of stormwater quality.
b. Maintain diverse educational materials to engage and educate staff, volunteers, students, and contractors.
c. Raise awareness on the causes and impacts of stormwater pollution.

2. Management Measures

North Carolina State University shall implement the following management measures to meet the objectives of the Education and Outreach Program.

Management Measures	Measurable Goals
a. Defined Goals and Objectives	The University shall define goals and objectives of the public education and outreach program.
b. Identify target pollutants	North Carolina State University shall maintain, assess annually and update as necessary a description of the target pollutants and potential sources.
c. Identify target audiences	The University shall identify, assess annually and update as necessary target audiences likely to have significant storm water impacts.
d. Education and Outreach Plan	The University shall maintain, assess annually and update as necessary the Education and Outreach Program. The program shall describe outreach strategies to inform staff, volunteers, students and contractors on illicit discharges, stormwater management, improper waste disposal, reporting, and sources of fecal and nutrient loading.
e. Pollution prevention awareness educational materials	The University shall maintain, assess annually and update as necessary stormwater pollution prevention awareness information for distribution at significant events, pubic involvement workshops and/or locations throughout North Carolina State University.
f. Mailers, Brochures, Posters	The University shall maintain, assess annually and update as necessary articles to insert in university-affiliated newspapers.

draft

Management Measures	Measurable Goals
g. Pollution prevention awareness training	The University shall provide annual stormwater pollution awareness training for appropriate faculty, staff, students, and volunteers. Training shall include general stormwater awareness, identification of stormwater pollution potential, appropriate spill response actions and contacts for reporting spills and illicit connections/illegal dumping.
h. Pre-Construction Contractor Education	The University shall maintain, assess annually and update as necessary written guidance material outlining Federal, State & University requirements for proper construction site management. Written material will be distributed to University Project Managers. An Environmental Affairs representative shall be available to discuss the guidance material and answer questions.
i. Annual Public Workshops	The University participates in a variety of training opportunities offered through the various University departments such as the Biological and Agricultural Engineering Department and the Department of Soil Science. Other agencies with which the University may coordinate training include the Water Resources Research Institute, the North Carolina Cooperative Extension, DEQ and local municipalities. The University shall continue to participate with these and other local agencies to provide workshops.
j. Educational partnerships	The University will work with the DEQ, other state agencies, and local municipalities to promote and distribute education materials.
k. Website	The University shall maintain a public education website to document North Carolina State University pollution prevention programs and promote stormwater quality. The website will include articles on stormwater, information and brochures on water quality, stormwater projects and activities, brochures in water quality, and ways to contact stormwater management program staff.
l. In-house email communication tools	The University shall continue to provide education material for North Carolina State University employees using on-line distribution methods and the University website. Focus on importance of employees carrying out their duties without impacting water quality. Track the number of emails sent and type of education materials distributed.
m. Hotline	The University shall maintain and publicize a hotline through student and employee newspapers and the University website.

Draft

Management Measures	Measurable Goals
n. Special Events Participation	The University shall participate in special events such as the annual Earth Day Celebration in an effort to promote environmental stewardship.
o. Evaluate program effectiveness	The Stormwater Committee will assess the effectiveness of the Program's Education and Outreach activities, annually. The assessment will be documented and recommendations will be presented to the Stormwater Committee for concurrence prior to implementation.

draft

SECTION B PUBLIC INVOLVEMENT AND PARTICIPATION

1. Objectives

a. Provide opportunities for the public to participate in program development and implementation.
b. Reach out and engage major economic and ethnic groups.
c. Comply with applicable state and local public notice requirements.

2. Management Measures

North Carolina State University shall implement the following management measures to meet the objectives of the Public Involvement and Participation Program and shall notify the Division prior to modification of any goals.

Management Measures	Measurable Goals
a. Stormwater Committee	The University shall maintain a Stormwater Committee to oversee the development and implementation of the university stormwater program. The Stormwater Committee shall meet regularly. Meeting dates, times and locations for meeting dates open to the public will be published on the Stormwater Website and through various publications.
b. Faculty and Student Involvement	The University shall encourage the University population to join various organizations and groups to help promote environmental stewardship and open lines of communication between faculty, staff and students. The Campus Environmental Sustainability Team shall be comprised of faculty, staff and student representatives who meet regularly to discuss a variety of environmental topics.

draft

SECTION C ILLICIT DISCHARGE DETECTION AND ELIMINATION PROGRAM

1. Objectives

a. Implement an Illicit Discharge Detection and Elimination Program to assure that the illicit discharges, spills and illegal dumping into the University storm sewer system are detected and eliminated.
b. The University shall implement appropriate procedures and actions to report illicit spills, discharges and illegal dumping for appropriate enforcement or other action by NC DEQ.

2. Management Measures

The North Carolina State University shall implement the following management measures to meet the objectives of the Illicit Discharge Detection and Elimination Program and shall notify the DEQ prior to modification of any goals.

Management Measure	Measurable Goals
a. Illicit Discharge Detection and Elimination Policy	The University shall maintain, assess annually and update as necessary an Illicit Discharge Detection and Elimination (IDDE) Program that includes procedures for routine inspection, sampling and maintenance of outfalls, detection and elimination of illicit discharges, spills and illegal dumping, reporting and recordkeeping, employee training and development and implementation of best management practices. Compliance will be ensured through documented procedures, endorsed by University administration, and implemented by the affected organizations. A copy of the adopted Program will be submitted as part of the Annual Report.
b. Illicit Discharge Detection and Elimination Policy	The University shall implement the IDDE Program to ensure the detection and elimination of illicit discharges, spills and illegal dumping.
c. Educational Information	The University shall maintain, assess annually and update as necessary educational information in the form of written guidelines and/or fact sheets will be distributed to the campus population as part of the education and outreach program. Educational material will include information on what constitutes an illicit discharge, university contacts and how to report suspect activities.
d. Training	Annual training will be available for appropriate faculty, staff, contractors and vendors. Training will include how to identify illicit discharges and reporting procedures.
e. Point of Contact	The University shall maintain a standard reporting format and contact for all complaints and reports of illicit discharges. A report form will be completed for each inquiry and investigative results and corrective actions will be included in the Annual Report.
f. Hotline	The University shall maintain a log of hotline calls and actions taken.

Draft

Management Measure	Measurable Goals
g. Report illicit connections.	The University shall investigate all reports of illicit connections or illegal dumping. North Carolina State University shall report verified illicit discharges to the DEQ Regional Office.
h. Tracking	The University shall maintain a tracking database for reports of illicit discharges.
i. Detection and Elimination	The University will conduct semi-annual inspections of the outfalls to determine if illicit discharges are present. Each outfall will be observed twice within a 24-hr period following a minimum of 72 hours of dry weather. Create a database of outfalls, inspection date, tests conducted, findings, and actions taken. The University shall develop written procedures for conducting investigations into the source of all identified illicit discharges, including approaches to requiring such discharges to be eliminated. Once the source of the illicit discharge has been determined, the University shall immediately notify the responsible party of the problem, and require the responsible party to conduct all necessary corrective actions to eliminate the non-stormwater discharge. Upon being notified that the discharge has been eliminated, the University shall conduct a follow-up investigation to verify that the discharge has been eliminated. The University is required to document its follow-up investigation. The University shall track all investigations to document at the date(s) the illicit discharge was observed; the results of the investigation; any follow-up of the investigation; and the date the investigation was closed.
j. Local wastewater program	The University shall identify potential cross connections and place on hot spot list to be included in an inspection program.
k. Spill response procedure.	The University shall develop a written spill/dumping response procedure, and a flow chart or phone tree, or similar list for internal use, that shows the procedures for responding to public reports of illicit discharges, the various responsible agencies and their contacts, and who would be involved in illicit discharge incidence response.

draft

SECTION D STORMWATER SYSTEM INVENTORY AND PRIORITIZATION PROGRAM

1. Objectives

a. Develop and maintain a North Carolina State University stormwater system inventory for the purpose of supporting the Retrofit Program, Post-Construction Program, and Illicit Discharge Detection and Elimination Program.

b. Develop a field inventory procedure to be used for North Carolina State University identified priority areas.

2. Management Measure

North Carolina State University shall implement the following management measure to meet the objectives of the Stormwater System Inventory and Prioritization Program and shall notify the DEQ prior to modification of any goals.

Management Measure	Measurable Goals
a. Storm Sewer System Inventory	The University will conduct visual inspections of the storm sewer system including outfalls and existing components of the drainage system in an effort to update the current inventory of drainage structures and storm sewer system maps. Outfalls will be categorized by the receiving water to which the outfall discharges. Information gathered will include Precinct location, reference number, size and type of structure, apparent condition of structure and dry-weather flow.
b. Include outfalls for North Carolina State University industrial facilities in the inventory.	North Carolina State University will update the existing stormwater outfall inventory to include changes or additions to previously inventoried North Carolina State University industrial outfalls. Updated outfall coverage will have GIS attributes that define the type of structure, the location, drainage areas, amount of impervious area, offsite drainage, pollutants of concern, and the type of industrial activity. The North Carolina State University industrial facilities inventory shall be updated annually.
c. Include in the inventory outfalls from new construction projects to all surface waters and wetlands.	North Carolina State University will expand the existing stormwater outfall inventory to include outfalls on new construction projects. The new construction inventory shall be updated annually.

Draft

SECTION E SEDIMENT AND EROSION CONTROL PROGRAM

1. Pursuant to 40 CFR 122.35(b) and the maximum extent practicable (MEP) standard, the permittee may rely on the NC DEQ Division of Land Resources (DLR) Sediment and Erosion Control Program to comply with this minimum measure. The NC DEQ Division of Land Resources (DLR) Sediment and Erosion Control Program effectively meets the MEP standard for Construction Site Runoff Controls by permitting and controlling development activities disturbing one or more acres of land surface and those activities less than one acre that are part of a larger common plan of development as authorized under the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code. The NC DEQ Division of Land Resources (DLR) Sediment and Erosion Control Program continues to be monitored by the EPA to ensure the State effectively meets the MEP standard established by the Sediment Pollution Control Act of 1973 and Chapter 4 of Title 15A of the North Carolina Administrative Code.

2. The NCG010000 permit establishes requirements for construction site operators to control waste such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

3. The permittee shall provide and promote a means for the public to notify the appropriate authorities of observed erosion and sedimentation problems. The permittee may implement a plan promoting the existence of the NC DEQ Division of Land Resources “Stop Mud” hotline to meet the requirements of this paragraph.

draft

SECTION F POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT

1. Objectives

a. Manage stormwater runoff from new development and redevelopment that disturbs an acre or more of land surface and drains to the North Carolina State University MS4.
b. Ensure structural and non-structural controls are in place to minimize water quality impacts.
c. Ensure long-term operation and maintenance of permanent Best Management Practices (BMPs).

2. Management Measures

The University shall implement the following management measures to meet the objectives of the Post-Construction Stormwater Management Program.

Management Measures	Measurable Goals
a. Post-Construction Stormwater Management Program	All new development and re-development on University property subject to this permit shall meet the Neuse River Basin Nutrient Sensitive Waters Management Strategy: Basin wide Stormwater Requirements (15A NCAC 2B.0235)
b. Standards and practices on BMPs for post-construction controls	Compliance with 15A NCAC 02H Section .1000 effectively meets the Post-construction Stormwater Runoff control requirements.
c. Maintenance standards and an inpection program	Develop and institute a maintenance and inspection program for post-construction structural controls.
d. Inspections	Regularly inspect the installation procedures of stormwater control structures to ensure that they are properly installed during construction.
e. Establish a program to control the sources of fecal coliform to the maximum extent practicable	Determine and control sources of fecal coliform pollution in receiving waters to the maximum extent practicable. Develop and implement an oversight program to ensure proper operation and maintenance of on-site wastewater treatment systems. Coordinate program with the county health department.

draft

SECTION G POLLUTION PREVENTION AND GOOD HOUSEKEEPING

1. Objective

Prevent or reduce, to the maximum extent practicable, stormwater pollution from University activities operations.

2. Management Measures

The University shall implement the following management measures to meet the objectives of the Pollution Prevention and Good Housekeeping Program and shall notify the Division prior to modification of any goals.

Management Measures	Measurable Goals
a. Public Education	The University shall promote public awareness of water quality related issues through education programs and other public media.
b. Preventive Maintenance	Implemented preventive maintenance programs for facility (common-use) equipment, including emergency generators and cooling towers.
c. Visual Inspections	Perform visual inspections of the University's storm sewer system including drains, inlets, and outfalls. In addition, conduct inspections to identify areas where exposures have the potential to introduce hazardous pollutants to the storm sewer system.
d. Spill Prevention and Response	The University shall maintain material storage procedures that include provision of secondary containment; development of spill prevention, containment, and control plans and/or safety plans; and preferred sheltering of all chemicals and other hazardous substances. The University shall have written spill response procedures for facilities with the potential to generate polluted stormwater runoff. Annual spill training is provided to employees. Training covers proper handling procedures and emergency actions. The University maintains a small response group for chemical spills, and coordinate response activities with Raleigh Fire Department's Hazardous Materials Unit.
e. Inspection and evaluation of facilities and operations	The University shall maintain, assess annually and update as necessary an inventory of all facilities and operations owned and operated by the North Carolina State University with the potential for generating polluted stormwater runoff. Specifically inspect the potential sources of polluted runoff, the stormwater controls, and conveyance systems. Evaluate the sources, document deficiencies, plan corrective actions, and document the accomplishment of corrective actions.
f. Operation and Maintenance (O&M) for University facilities with the potential for generating polluted stormwater runoff.	The University shall maintain and implement, assess annually and update as necessary an O&M program for University owned and operated facilities with the potential for generating polluted stormwater runoff. The O&M program shall specify the frequency of inspections and routine maintenance requirements.

draft

Management Measures	Measurable Goals
g. Employee Training	Each department shall train employees to properly use, store, or otherwise manage equipment and materials in their work area. The University shall develop implement an employee training program for employees involved in implementing pollution prevention and good housekeeping practices. All employees shall receive annual training. Training shall include a general stormwater education component, any new technologies, operations, or responsibilities that arise during the year. The University shall maintain a description of the program, copies of the materials used, and topics covered. Any contractors hired by the University to perform municipal maintenance activities shall be contractually required to comply with all of the stormwater control measures, good housekeeping practices, and facility-specific stormwater management SOPs. The University shall provide oversight of contractor activities to ensure that contractors are using appropriate stormwater control measures and SOPs. Oversight procedures shall be described in the SWMP document.
h. Review of North Carolina State University owned or operated regulated industrial activities	The University shall conduct annual review of the industrial activities with a Phase I NPDES stormwater permit owned and operated by the North Carolina State University. Specifically review the following aspects: the Stormwater Pollution Prevention Plan where one is required, the timeliness of any monitoring reports required by the Phase I permit, and the results of inspections and subsequent follow-up actions at the facilities.
i. Waste Management	Dumpsters and recycling bins located throughout the campus areas shall be closed-top or sheltered or designed to minimize introduction of rainwater. Trash receptacles are to be located in convenient areas, and collected on a routine basis. Litter and debris shall be collected from parking lots and other public areas on a regular basis.
j. Snow Removal and Control	The University's Inclement Weather Procedure for Snow, Ice, and Freezing Rain shall provide procedures and priorities for controlling such precipitation. Best management practices shall be implemented for salt piles.
k. Recycling and Solid Waste Reduction	The University shall continue evaluate and operate a recycling program for various materials, including metals, glass, paper, cardboard, and lamps containing mercury and revise the program where opportunities exist.
l. Hazardous Materials Response	Persons who use or store hazardous materials shall have and maintain an approved safety plan, and provide adequate training, covering the use, storage, and disposal of chemicals and equipment to contain or control small spills. The University shall maintain agreements with the Raleigh Fire Department, whereby the City's hazardous materials unit will respond to chemical incidents at local University properties. In addition, hazardous waste contractors and other environmental contractors shall provide support for remediation activities.

draft

Management Measures	Measurable Goals
m. Hazardous Waste Program	The University shall maintain a program to collect chemical wastes, including hazardous wastes and used oils, from university laboratories and shops.
n. Landscape Services	The University's Facilities Operations shall provide services for area maintenance, including landscape maintenance and leaf collection programs. In addition, Landscape Services shall manage a program for inspecting and cleaning drain inlets, including yard drains and curb inlets as necessary to minimize the transportation of debris to surface waters.
o. University Streets, Parking lots and Parking Decks	The University must develop a program for minimizing the transport of pollutants from paved surfaces, including streets, parking lots (including decks) and pedestrian areas. The program must include provisions for inspecting and monitoring, trash and/or pollutant removal and program effectiveness.
p. Catch basins, open channels, conveyance systems and other drainage structures inspection and maintenance program	The University shall maintain and implement, assess annually and update as necessary an O&M program for the stormwater sewer system including catch basins, open channels, conveyance systems and other drainage structures. The O&M program shall specify the frequency of inspections and routine maintenance requirements. The University shall develop a program to inspect and clean inlets/catch basins within its jurisdiction. The University shall inspect and clean catch basins in accordance with the schedule developed by University. The University shall document inlet/catch basin inspections and cleanings. The University shall develop a program to visually monitor University owned open channels and other drainage structures for debris at least annually and identify problem areas for additional monitoring. Remove trash and debris from open channels and other drainage structures as needed. The University shall document all visually monitor and maintenance performed.
q. Minimize landscaping-related pollutant	The University shall implement practices to minimize landscaping-related pollutant generation, including, educational activities, permits, certifications, and other measures for municipal applicators and distributors, integrated pest management measures that rely on non-chemical solutions, schedules for chemical application that minimize the discharge of such constituents due to irrigation and expected precipitation and the collection and proper disposal of unused pesticides, herbicides, and fertilizers, and selection of native vegetation that is naturally adapted to local conditions.

draft

Management Measures	Measurable Goals
r. Pesticide, Herbicide and Fertilizer Application Management.	The University shall evaluate the materials used and activities performed on parks, golf courses, easements, right of ways, and other open spaces for pollution prevention opportunities. The University shall ensure employees and contractors are properly trained and all permits, certifications, and other measures for applicators are followed.
s. Prevent or Minimize Contamination of Stormwater Runoff from all areas used for Vehicle and Equipment Cleaning	The University shall describe measures that prevent or minimize contamination of the stormwater runoff from all areas used for vehicle and equipment cleaning. Perform all cleaning operations indoors, cover the cleaning operations, ensure wash water drain to the sanitary sewer system, collect stormwater runoff from the cleaning area and providing treatment or recycling, or other equivalent measures. If sanitary sewer is not available to the facility and cleaning operations take place outdoors, the cleaning operations shall take place on grassed or graveled areas to prevent point source discharges of the washwater into the storm drains or surface waters. Where cleaning operations cannot be performed as described above and when operations are performed in the vicinity of a storm drainage collection system, the drain is to be covered with a portable drain cover during clean activities. Any excess ponded water shall be removed and properly handled prior to removing the drain cover. The point source discharge of vehicle and equipment wash waters, including tank cleaning operations, are not authorized by this permit and shall be covered under a separate NPDES permit or discharged to a sanitary sewer in accordance with applicable industrial pretreatment requirements.

draft

SECTION H INSPECTION AND MAINTENANCE PROGRAM

1. Objective

Develop and implement a Best Management Practices (BMP) Inspection and Maintenance Program to aid in the inspection, operation and maintenance of permanent BMPs.

2. Management Measures

North Carolina State University shall implement the following management measures to meet the objectives of the BMP Inspection and Maintenance Program and shall notify the DEQ prior to modification of any goals.

Management Measures	Measurable Goals
a. Written Procedures BMP Inspection and Maintenance	North Carolina State University shall maintain written procedures for inspection, operation and maintenance of permanent BMP controls. Written procedures will detail inspection and maintenance requirements for the proper operation of the various types of BMP devices, frequency of inspections, "how-to" instructions for maintenance and an inspection and maintenance tracking mechanism.
b. BMP Inspection and Maintenance	North Carolina State University shall conduct and document BMP inspection and maintenance.
c. Training	The program will include training for appropriate North Carolina State University staff, volunteers, and contractors.

draft

SECTION I RETROFITS

1. Objectives

Use retrofits to address pollutant loading.

2. Management Measures

North Carolina State University shall implement the following management measures to meet the objectives of the BMP Retrofit Program and shall notify the DEQ prior to modification of any goals.

Management Measures	Measurable Goals
Evaluate Current Stormwater Control Structures	The Stormwater Committee shall evaluate current stormwater control structures to determine if existing structures would benefit from a retrofit opportunity. Locations for retrofit control structures will be investigated. Stormwater Committee shall solicit the academic community to submit proposals for consideration.
Annual Review	The Stormwater Committee will review all proposals for potential retrofit opportunities on an annual basis and prioritize them based on existing pollutant loads to the receiving water, cost effectiveness of the retrofit, and environmental benefits and constructability of the retrofit, as well as other appropriate parameters.

Draft

SECTION J RESEARCH AND PROGRAM ASSESSMENT

1. Objectives

a. Conduct research with faculty and staff that result in independent quantitative assessment of pollutant loads from North Carolina State University activities and or measure structural BMP effectiveness.
b. Conduct research to enhance or improve existing practices or develop new methods or processes with state of the art technology.

2. Management Measures

North Carolina State University shall implement the following management measures to meet the objectives of the Research and Program Assessment and shall notify DEQ prior to modification of any goals:

Management Measures	Measurable Goals
Research and Program Assessment.	North Carolina State University shall submit an annual report on Research and Program Assessment Activities. .

draft

SECTION K LAND USE PLANNING

1. Objective

a. Provide the flexibility and incentives to use site design techniques to reduce impervious surfaces on their developments.
b. Reduce the need for BMPs to control nitrogen and peak stormwater flows and
c. Reduce associated BMP maintenance concerns.

2. Management Measures

North Carolina State University shall implement the following management measures to meet the objectives of Land Use Planning and shall notify DEQ prior to modification of any goals:

Management Measures	Measurable Goals
Stormwater Guidelines	The Stormwater Committee will review and periodically update the Stormwater Guidelines to reflect adequate flexibility for developers to utilize planning measures to reduce impervious surfaces. This review is intended to look for opportunities where these measures could be allowed, or obstacles to their use could be removed.

draft

SECTION L: IMPAIRED WATERS

For impaired waters the permittee shall evaluate strategies and tailor and/or expand BMPs within the scope of the six minimum measures to enhance water quality recovery strategies in the watershed(s) and describe the strategies and tailored and/or expanded BMPs in their annual reports.

draft

SECTION I: TOTAL MAXIMUM DAILY LOADS (TMDLs)

1. For the purpose of this Section ~~permit,~~ sensitive waters are waters

a. With a TMDL developed and approved, or established by EPA,
b. Included in the most recent NC DEQ Section 303(d) list approved by EPA,
c. That pursuant to NCDEQ Water Classifications & Standards, waters that are classified as either Outstanding Resource Waters (ORW), Trout Waters (Natural (TN), or, Shellfish Waters (SA).

2. Determination of receiving water conditions and impacts

a. Permittees shall determine whether their MS4 discharges to receiving waters within a TMDL watershed or with a listing in the latest CWA §303(d) list of impaired waters that is associated with a water quality monitoring station (WQMS).
b. Permittees shall refer to the most recent CWA §303(d) list approved by EPA to determine WQMS impairment status and to identify the pollutant(s) of concern (POC). This information shall be updated and documented annually.
c. For all TMDLs, permittees shall determine whether POC have potential to occur in MS4 storm water discharges. This information shall be documented. If intended uses are fully supported for a particular TMDL, no further action on the permittee's part is needed for that TMDL.

3. TMDL Monitoring and Assessment

a. For MS4 discharges of the pollutant(s) of concern to TMDL waters, the permittee shall identify discharges located in the TMDL watershed draining to the impaired WQMS.
b. The permittee shall include a TMDL Monitoring and Assessment Plan. The Monitoring and Assessment Plan component shall be completed and submitted to the Department as follows;

i. Within 12 months of the effective date of permit coverage for existing TMDL.
ii. For newly designated permittee authorized to discharge storm water from their MS4 for the first time under this permit within 24 months of the effective date of permit coverage for the existing TMDL.
iii. Monitoring and Assessment Plans, shall be submitted within 12 months of the EPA-approval or establishment of new TMDL (Effective Date of the TMDL), after the first year of permit coverage.

c. Describe the activities the permittee will conduct to address applicable WLA, including at a minimum a schedule for conducting monitoring to be initiated as follows;

i. Not more than 18 months from the Effective Date of this permit for existing TMDL in the case of existing permittees,
ii. Not more than 30 months from the Effective Date of the Certificate of Coverage for existing TMDL, and, for TMDL issued 24 months after the Effective Date of the permit in the case of newly designated permittees.
iii. The monitoring plan for subsequently issued TMDL shall include a schedule for monitoring activities to be initiated no more than 18 months from the effective date of the TMDL for existing and newly designated permittees.

draft

d. Describe the activities the permittee will conduct to monitor the pollutants of concern, on a frequency necessary to determine statistically significant seasonal pollutant loads baseline, with duration of not less than two years.

e. Describe the minimum frequency and representativeness. Samples and measurements taken for the purpose of the TMDL Monitoring Plan shall:

i. Be representative of the MS4 discharges,
ii. Be reasonably distributed in time, while maintaining representative sampling,
iii. Not be terminated for the purpose of preventing the analysis results from a permit or water quality violation,
iv. Describe and consider frequency, mass and/or rate of discharge, as appropriate, and,
v. Be expressed in terms of units or measurements consistent with the requirements contained in the WLA.

f. The information contained in the TMDL Monitoring Plan shall include:

i. Monitoring locations, appropriate for representative data collection
ii. Description of whether the location(s) are representative and contribute to pollutant loads,
iii. An indication the seasons during which sampling is intended,
iv. The pollutant of concern, or its surrogate(s), as a sampling parameter,
v. Description of the sampling equipment, and,
vi. A rationale supporting the proposed monitored location(s) as reflective of water quality concerns to the MEP.

g. The TMDL monitoring plan shall focus on the pollutant of concern, or its surrogates, to characterize the quality and quantity of the permitted discharges to evaluate the progress toward the WLA and / or Water Quality Standards (WQS) attainment by implementing one, or a combination, of the following strategies to the MEP:

i. In-stream monitoring, and / or
ii. Outfall monitoring.
iii. Monitoring location(s) should be selected based on one, all, or a combination of the following basis, 1) Percent MS4 area draining to the WQMS, at least 25%, 2) Collection of a representative contributing watershed, or 3) inclusion of the entire TMDL watershed within the MS4.

h. Established field and sampling protocols shall be followed when characterizing MS4 discharges, such as, Guidance for collecting samples under the stormwater permitting program while fulfilling NPDES stormwater sampling needs is provided in the NPDES Stormwater Sampling Guidance Document (EPA 833-8-92-001) and it is incorporated by reference herein. It can be found by visiting,

http://www.epa.gov/npdes/pubs/owm0093.pdf

i. Technical assistance and support for MS4 subject to NPDES program regulations for storm water point source discharges can be found in the Guidance Manual For the Preparation of NPDES Permit Applications for Discharges from Municipal Separate Storm Sewer Systems (EPA-833-B-92-002) and it is incorporated by reference herein. Visit, http://www.epa.gov/npdes/pubs/owm0246.pdf

draft

j. Permittees may collect composite samples using different protocols than those indicated above with respect to the time duration subject to the approval of the Department.
k. Where field analysis does not involve analytical methods approved under 40 CFR 136, permittees shall provide a description of the method used including the name of the manufacturer of the test method along with the range and accuracy of the test.
l. When no analytical method is approved, permittees may use any suitable method but must provide a description of the method.
m. For each monitoring location selected above, samples of storm water discharges shall be collected at a minimum of once per season per year.
n. Samples collected for laboratory analysis for all wet weather flows discharged from the MS4, shall be analyzed for the POC, or surrogates, in the TMDL.
o. For MS4 discharges to tidal influenced waters, alternative accepted sampling protocols may be used to collect the samples required above. A description of the methodology used shall be provided as required under 40 CFR 122.26(d)(1)(iv)(D) & (d)(2)(iii). Adherence to the MEP is expected. Documentation of any deviation is required.
p. Describe the activities the permittee will conduct to address applicable WLA, including the biological monitoring may be appropriate at some locations to demonstrate the recovery of biological communities after implementation of stormwater control measures. Monitoring locations in receiving waters must be at least both upstream and downstream of major MS4 discharges, with a frequency of at least annual basis for the permit term. Regardless, the monitoring type, representativeness of the location, pollutant(s) of concern and / or parameters to be sampled, description of sampling equipment and sampling frequency of ambient waters should be strategically designed to demonstrate the level of progress made towards meeting the applicable WLA and addressing impairments in the receiving and/or in downstream waters;
q. Describe the activities the permittee will conduct to address applicable WLA, including for each pollutant of concern, permittees shall report on the progress of the characterization of the relative pollutant levels from various MS4 discharges to TMDL waters. Resulting data shall be included in every annual report following the commencement of monitoring for TMDL pollutant characterization.

4. Assessment of achieving the WLA / WQS

a. The WLA / WQS shall consist of a process and schedule for assessing the monitoring data to prioritize areas of the SMS4 that will be targeted for implementation of SCM,
b. The WLA / WQS shall consist of a process and schedule for selection of appropriate SCM that will implement the WLA to the MEP, will protect water quality, and will satisfy the appropriate water quality requirements of the Clean Water Act, and,
c. The WLA / WQS shall include updates to TMDL Monitoring and Assessment Plans to be submitted in each annual report.
d. The WLA / WQS shall document progress on the TMDL Monitoring and Assessment Plan.

5. TMDL Implementation and Analysis

a. Permittees shall initiate the monitoring described in Section I above.
b. Any monitoring data and information generated from the previous year of the monitoring program to satisfy the provisions above must be made available to the Department upon request.
c. Permittees shall complete and submit TMDL Implementation Plans for approved TMDL

draft

as follows;

i. Within 48 months from the Effective Date of this permit, or 48 months from the new TMDL effective date, for existing permittees, and,
ii. Within 60 months from the Effective Date of Coverage, or 60 months from the new TMDL effective date, for newly designated permittees.

d. TMDL Implementation Plans submitted to the Department and shall describe the following:

i. Assessment of the monitoring data. Where long-term data is available, this assessment should include an analysis of the data to show trends;
ii. Prioritization of areas targeted for implementation and underlying rationale;
iii. Structural and nonstructural controls to address the WLA. Permittees should include a brief explanation of why the controls are selected (e.g., expected load reductions or percent of capture); and,
iv. Schedule for completing controls implementation as soon as practicable. The schedule shall describe all of the controls implementation activities that are expected to occur during the current and the next permit term. In addition to the control implementation activities that are expected to occur during the current permit cycle, the TMDL Implementation Plan shall include proposed monitoring to be used to evaluate the effectiveness of the control and facilitate the iterative revision of the Control Implementation Plan to achieve progress towards addressing the TMDL's WLA as long as the intended uses are not supported.

e. Permittees shall implement those elements of the TMDL Implementation Plan that are scheduled to occur within the term of this permit. Schedules and plans herein are part of the re-application process.
f. Progress on the TMDL Implementation and Analysis shall be documented annually.
g. Should there be no water quality improvement of the discharges from the MS4 resulting from implementation, permittees may be required to implement additional control measures or to make changes to the TMDL implementation plan.
h. If there was no storm water waste load allocation in the TMDL, in lieu of developing a Water Quality Recovery Plan, the permittee shall evaluate strategies and tailor and/or expand BMPs within the scope of the six minimum measures to enhance water quality recovery strategies in the watershed(s) to which the TMDL applies. The permittee shall describe the strategies and tailored and/or expanded BMPs in their Stormwater Management Plan and annual reports.
i. Information regarding North Carolina TMDLs is available at:

http://portal.ncdenr.org/web/wq/ps/mtu/tmdl/tmdls

draft

SECTION J: ELECTRONIC REPORTING OF REPORTS [G.S. 143-215.1(b)]

1. The final NPDES Electronic Reporting Rule was adopted and became effective on December 21, 2015. These federal regulations require electronic submittal of all MS4 program reports by no later than December 21, 2020, and specify that, if a state does not establish a system to receive such submittals, then permittees must submit monitoring data and reports electronically to the U.S. Environmental Protection Agency (EPA).

2. This special condition supplements or supersedes the following sections within Part IV of this permit (*Reporting and Record Keeping Requirements*):

   - Paragraph 1. Records
   - Paragraph 3. Annual Reporting
   - Paragraph 8. Report Submittals

3. Reporting Requirements [Supersedes Part IV, Paragraph 3.(a.)-(b.)] Note depending on what EPA request in annual e-reporting [Supersedes Part IV, Paragraph 3.(a.)]

   Starting on December 21, 2020, the permittee shall electronically report the following compliance monitoring data and reports: Separate Storm Sewer System (MS4) Program Reports (See Part III 2., Program Assessment annual report)

   The permittee may seek an electronic reporting waiver from the Division (see "How to Request a Waiver from Electronic Reporting" section below).

4. Electronic Submissions [Supplements Part IV, Paragraph 8.]

   In accordance with 40 CFR 122.41(l)(9), the permittee must identify the initial recipient at the time of each electronic submission. The permittee should use EPA's website resources to identify the initial recipient for electronic submission.

   Initial recipient of electronic NPDES information from NPDES-regulated facilities (initial recipient) means the entity (EPA or the state, tribe, or territory authorized by EPA to implement the NPDES program) that is the designated entity for receiving electronic NPDES data [see 40 CFR 127.2(b)]. As of permit issuance, The NC DEQ anticipates that EPA will be the initial recipient for electronic MS4 Program Reports.

   EPA plans to establish a website that will also link to the appropriate electronic reporting tool for each type of electronic submission and for each state. Instructions on how to access and use the appropriate electronic reporting tool will be available as well. Currently, Electronic Reporting Rule information is found at: https://www.epa.gov/compliance/final-national-pollutant-discharge-elimination-system-npdes-electronic-reporting-rule

   Electronic submissions must start by the dates listed in the "Reporting Requirements" section above. The permittee must electronically submit MS4 annual program reports no later than the 15th of the month following the completed reporting period. The permittee must sign and certify all electronic submissions in accordance with the requirements of Part IV, Paragraph 8. (c.) of this permit.

draft

5. How to Request a Waiver from Electronic Reporting

The permittee may seek a temporary electronic reporting waiver from the Division. To obtain an electronic reporting waiver, a permittee must first submit an electronic reporting waiver request to the Division. Requests for temporary electronic reporting waivers must be submitted in writing to the Division for written approval at least sixty (60) days prior to the date the facility would be required under this permit to begin submitting monitoring data and reports. The duration of a temporary waiver shall not exceed 5 years and shall thereupon expire. At such time, monitoring data and reports shall be submitted electronically to the Division unless the permittee re-applies for and is granted a new temporary electronic reporting waiver by the Division. Approved electronic reporting waivers are not transferrable. Only permittees with an approved reporting waiver request may submit monitoring data and reports on paper to the Division for the period that the approved reporting waiver request is effective.

Information on eDMR and the application for a temporary electronic reporting waiver are found on the following web page:

http://deq.nc.gov/about/divisions/water-resources/edmr

6. Records Retention [Supplements Part IV, Paragraph 1.]

The permittee shall retain records of all Program Assessment annual reports, including electronic submissions. These records or copies shall be maintained for a period of at least 3 years from the date of the report. This period may be extended by request of the Director at any time [40 CFR 122.41].

draft

PART III OTHER REQUIREMENTS

SECTION A REPORTING AND RECORD KEEPING REQUIREMENTS

1. Program Assessment

a. Accept as provided in Part II Section J, North Carolina State University shall provide DEQ with an annual report consisting of a program summary and assessment. The report shall include the status of each component in Part II of this permit, proposed changes to the stormwater management program or implementation schedule, a summary of illicit connection and illegal dumping reports and inspections, identification of water quality improvement or degradation as a result of North Carolina State University activities, and successes, failures and milestones/accomplishments of the program.

b. The annual report shall be submitted to DEQ no later than August 31 of each year. The annual assessment report shall cover the period from July 1 through June 30 that immediately preceded August 31 of the year in question.

c. North Carolina State University shall maintain a copy of each annual program assessment report on file for a period of five years.

2. Report Submittals

a. Duplicate signed copies of all reports required herein, shall be submitted to the following address:

Department of Environmental Quality
Division of Energy, Mineral, and Land Resources
1612 Mail Service Center
Raleigh, North Carolina 27699-1612

b. All applications, reports, or information submitted to DEQ shall be signed by a principal executive officer or duly authorized representative. A person is a duly authorized representative only if:

i. The authorization is made in writing by a principal executive officer;
ii. The authorization specified either an individual or a position having responsibility for the overall operation of a regulated facility or activity or an individual or position having overall responsibility for environmental/stormwater matters; and
iii. The written authorization is submitted to the Director.

c. Any person signing a document under paragraphs a. or b. of this section shall make the following certification:

"I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

draft

3. Recording Results

For each measurement, sample, inspection or maintenance activity performed or collected pursuant to the requirements of this permit, North Carolina State University shall record the following information:

a. The date, exact place, and time of sampling, measurements, inspection or maintenance activity;
b. The individual(s) who performed the sampling, measurements, inspection or maintenance activity;
c. The date(s) analyses were performed;
d. The individual(s) who performed the analyses;
e. The analytical techniques or methods used; and
f. The results of such analyses.

4. Planned Changes

North Carolina State University shall give notice to the Director as soon as possible of any planned changes which could significantly alter the nature or quantity of pollutants discharged. This notification requirement includes pollutants that are not specifically listed in the permit or subject to notification requirements in 40 CFR Part 122.42 (a).

5. Anticipated Noncompliance

North Carolina State University shall give notice to the Director as soon as possible of any planned changes that may result in noncompliance with the permit requirements.

6. Twenty-four Hour Reporting

a. North Carolina State University shall report to the central office or the appropriate regional office any noncompliance or reasonably anticipated non-compliance that may endanger health or the environment. Any information shall be provided orally within 24 hours from the time North Carolina State University became aware of the circumstances. A written submission shall also be provided within 5 days of the time North Carolina State University becomes aware of the circumstances.

b. The written submission shall contain a description of the noncompliance, and its causes; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time compliance is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

7. Other Information

Where North Carolina State University becomes aware that it failed to submit any relevant facts in applying to be covered under this permit or in any report to the Director, it shall promptly submit such facts or information.

draft

SECTION B COMPLIANCE SCHEDULE

North Carolina State University may modify the stormwater management program implementation schedule through the annual reporting process.

draft

THIS PAGE INTENTIONALLY BLANK

draft

PART IV STANDARD CONDITIONS

SECTION A COMPLIANCE AND LIABILITY

1. Duty to Comply

North Carolina State University shall comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or denial of permit coverage upon renewal application.

a. North Carolina State University shall comply with standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

b. The Clean Water Act provides that any person who violates a permit condition is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $37,300 per day for each violation). Any person who negligently violates any permit condition is subject to criminal penalties of $2,500 to $25,000 per day of violation, or imprisonment for not more than 1 year, or both. Any person who knowingly violates permit conditions is subject to criminal penalties of $5,000 to $50,000 per day of violation, or imprisonment for not more than 3 years, or both. Also, any person who violates a permit condition may be assessed an administrative penalty not to exceed $16,000 per violation with the maximum amount not to exceed $177,500. [Ref: Section 309 of the Federal Act 33 USC 1319 and 40 CFR 122.41(a).]

c. Under state law, a daily civil penalty of not more than twenty-five thousand dollars ($25,000) per violation may be assessed against any person who violates or fails to act in accordance with the terms, conditions, or requirements of a permit. [Ref: North Carolina General Statutes 143-215.6A]

d. Any person may be assessed an administrative penalty by the Administrator for violating sections 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed $27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently $11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed $137,500).

draft

2. Duty to Mitigate

North Carolina State University shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

3. Civil and Criminal Liability

Except as provided in Part IV, Section B, Paragraph 3 of this permit regarding bypassing of stormwater control facilities, nothing in this permit shall be construed to relieve North Carolina State University from any responsibilities, liabilities, or penalties for noncompliance pursuant to NCGS l43-2l5.3, l43-2l5.6A, 143-215.6B, 143-215.6C or Section 309 of the Federal Act, 33 USC 1319. Furthermore, North Carolina State University is responsible for consequential damages, such as fish kills, even though the responsibility for effective compliance may be temporarily suspended.

4. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve North Carolina State University from any responsibilities, liabilities, or penalties to which North Carolina State University is or may be subject to under NCGS l43-2l5.75 et seq. or Section 311 of the Federal Act, 33 USC 1321.

5. Property Rights

The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

6. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstances, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.

7. Duty to Provide Information

North Carolina State University shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the coverage issued pursuant to this permit or to determine compliance with this permit. North Carolina State University shall also furnish to the Director upon request, copies of records required by this permit.

8. Penalties for Tampering

The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more that $20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

draft

9. Penalties for Falsification of Reports

The Clean Water Act provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished by a fine of not more than $l0,000 per violation, or by imprisonment for not more than two years per violation, or by both.

10. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

11. Duty to Reapply

The University is not authorized to discharge after the expiration date. In order to receive automatic authorization to discharge beyond the expiration date, the University shall submit a permit renewal application and fees as are required no later than 180 days prior to the expiration date of this permit (date). Any permitte that has not requested renewal at least 180 days prior to expiration, or any discharge that does not have a permit after the expiration and has not requested renewal at least 180 days prior to expiration, will be subject to enforcement procedures as provided in NCGS 143-215.6 and 33 USC 1251 et seq. The renewal application shall include a review of the Stormwater Program development and implementation over the life of this permit, the status of programs and a description of further program development to be implemented over the future permitting time period.

draft

SECTION B OPERATION AND MAINTENANCE OF POLLUTION CONTROLS

1. Proper Operation and Maintenance

North Carolina State University shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by North Carolina State University to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems that are installed by North Carolina State University only when the operation is necessary to achieve compliance with the conditions of the permit.

2. Need to Halt or Reduce not a Defense

It shall not be a defense for North Carolina State University in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the condition of this permit.

3. Bypassing of Stormwater Control Facilities

Bypass is prohibited and the Director may take enforcement action against North Carolina State University for bypass unless:

a. Bypass was unavoidable to prevent loss of life, personal injury or severe property damage; and
b. There were no feasible alternatives to the bypass, such as the use of auxiliary control facilities, retention of stormwater or maintenance during normal periods of equipment downtime or dry weather. This condition is not satisfied if adequate backup controls should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
c. North Carolina State University submitted notices as required under Part III, Section A of this permit.
d. The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above.

draft

SECTION C MONITORING AND RECORDS

l. Representative Sampling

Samples collected and measurements taken, as required herein, shall be characteristic of the volume and nature of the permitted discharge. Analytical sampling shall be performed during a representative storm event. Samples shall be taken on a day and time that is characteristic of the discharge. All samples shall be taken before the discharge joins or is diluted by any other waste stream, body of water, or substance. Monitoring points as specified in this permit shall not be changed without notification to and approval of the Director.

2. Flow Measurements

Where required, appropriate flow measurement devices and methods consistent with accepted scientific practices shall be selected and used to ensure the accuracy and reliability of measurements of the volume of monitored discharges.

3. Test Procedures

Test procedures for the analysis of pollutants shall conform to the EMC regulations published pursuant to NCGS l43-2l5.63 et. seq, the Water and Air Quality Reporting Acts, and to regulations published pursuant to Section 304(g), 33 USC 1314, of the Federal Water Pollution Control Act, as Amended, and Regulation 40 CFR 136.

To meet the intent of the monitoring required by this permit, all test procedures shall produce minimum detection and reporting levels and all data generated shall be reported down to the minimum detection or lower reporting level of the procedure.

4. Inspection and Entry

North Carolina State University shall allow the Director, or an authorized representative (including an authorized contractor acting as a representative of the Director), or in the case of a facility which discharges through a municipal separate storm sewer system, an authorized representative of a municipal operator or the separate storm sewer system receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to;

a. Enter upon North Carolina State University 's premises where a regulated facility or activity is located or conducted, or where records shall be kept under the conditions of this permit;
b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this permit;
c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
d. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

draft

5. Availability of Reports

Except for data determined to be confidential under NCGS 143-215.3(a)(2) or Section 308 of the Federal Act, 33 USC 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Division of Energy, Mineral and Land Resources. As required by the Act, analytical data shall not be considered confidential. Knowingly making any false statement on any such report may result in the imposition of criminal penalties as provided for in NCGS 143-215.6B or in Section 309 of the Federal Act.

draft

PART V LIMITATIONS REOPENER

This permit shall be modified or, alternatively, revoked and reissued, to comply with any applicable effluent guideline or water quality standard issued or approved under Sections 302(b) (2) (c), and (d), 304(b) (2) and 307(a) of the Clean Water Act, if the effluent guideline or water quality standard so issued or approved:

a. Contains different conditions or is otherwise more stringent than any limitation in the permit; or
b. Controls any pollutant not limited in the permit.

The permit as modified or reissued under this paragraph shall also contain any other requirements in the Act then applicable.

The issuance of this permit does not prohibit the Director from reopening and modifying the permit, revoking and reissuing the permit, or terminating the permit as allowed by the laws, rules, and regulations contained in Title 40, Code of Federal Regulations, Parts 122 and 123; Title 15A of the North Carolina Administrative Code, Subchapter 2H .0100; and North Carolina General Statute 143-215.1 et. al.

draft

THIS PAGE INTENTIONALLY BLANK

draft

PART VI ADMINISTERING AND COMPLIANCE MONITORING FEE REQUIREMENTS

North Carolina State University shall pay the administering and compliance monitoring fee within 30 (thirty) days after being billed by the Division. Failure to pay the fee in timely manner in accordance with 15A NCAC 2H .0105(b)(4) may cause this Division to initiate action to revoke the Certificate of Coverage.

draft

THIS PAGE INTENTIONALLY BLANK

draft

PART VII DEFINITIONS

1. Act

   See Clean Water Act.

2. Allowable Non-Stormwater Discharges

   This permit regulates stormwater discharges. Non-stormwater discharges that shall be allowed in the stormwater conveyance system are:

   a. All other discharges that are authorized by a non-stormwater NPDES permit.

   b. Uncontaminated groundwater, foundation drains, air –conditioner or air compressor condensate without added chemicals, springs, discharges of uncontaminated potable water, waterline and fire hydrant flushings, water from footing drains, flows from riparian habitats and wetlands, irrigation drainage, landscape watering, pavement wash water which does not use detergents and no spills or leaks or toxic or hazardous materials have occurred (unless all materials have been removed), routine external building wash down which does not use detergents, and incidental windblown mist from cooling towers that collect on rooftops.

   c. Discharges resulting from fire fighting training without chemical additives or from fire fighting.

3. Best Management Practices (BMPs)

   Measures or practices used to reduce the amount of pollution entering surface waters. BMPs may take the form of a process, activity, or physical structure.

4. Bypass

   A bypass is the known diversion of stormwater or wastewater from any portion of a control facility, including the collection system, which is not a designed or established operating mode for the facility.

5. Clean Water Act

   The Federal Water Pollution Control Act, also known as the Clean Water Act (CWA), as amended, 33 USC 1251, et. seq.

6. Division or DEMLR

   The Division of Energy, Mineral and Land Resources, Department of Environmental Quality.

7. Director

   The Director of the Division of Energy, Mineral and Land Resources, the permit issuing authority.

draft

8. Grab Sample

An individual sample collected instantaneously. Grab samples that will be directly analyzed or qualitatively monitored shall be taken within the first 30 minutes of discharge.

9. Hazardous Substance

Any substance designated in 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act.

10. Industrial Activity

For the purposes of this permit, industrial activities shall mean all industrial activities listed defined in 40 CFR 122.26 with the exception of general roadway drainage, construction activities, and borrow pits/waste piles.

11. Municipal Separate Storm Sewer System

Municipal separate storm sewer means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

1. Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

A Phase I MS4 includes medium and large MS4s. To be a medium or large MS4, the MS4 shall be located in an urbanized area with a population greater than 100,000.

A Phase II MS4 includes regulated small MS4s. To be a regulated small MS4, the MS4 shall be located in an urbanized area with a population less than 100,000 but with selected population densities. Phase II MS4s are identified by NC DEQ at

http://h2o.enr.state.nc.us/su/NPDES_Phase_II_Stormwater_Program_2000_Census.htm.

12. Outfall

The point of wastewater or stormwater discharge from a discrete conveyance system. See also point source discharge.

13. University

The owner or operator issued this permit (North Carolina State University).

draft

14. Point Source Discharge of Stormwater

Any discernible, confined and discrete conveyance including, but not specifically limited to, any pipe, ditch, channel, tunnel, conduit, well, or discrete fissure from which stormwater is or may be discharged to waters of the state.

15. Representative Storm Event

A storm event that measures greater than 0.1 inches of rainfall and that is preceded by at least 72 hours in which no storm event measuring greater than 0.1 inches has occurred. A single storm event may contain up to 10 consecutive hours of no precipitation. For example, if it rains for 2 hours without producing any collectable discharge, and then stops, a sample may be collected if a rain producing a discharge begins again within the next 10 hours.

16. Secondary Containment

Spill containment for the contents of the single largest tank within the containment structure plus sufficient freeboard to allow for the 25-year, 24-hour storm event.

17. Sensitive Waters

a. Waters that are classified as high quality, outstanding resource, shellfish, trout, or nutrient-sensitive waters in accordance with subsections (d) and (e) of 15A NCAC 2B .0101 (Procedures for Assignment of Water Quality Standards – General Procedures).

b. Waters that are occupied by or designated as critical habitat for aquatic animal species that are listed as threatened or endangered by the United States Fish and Wildlife Service or the National Marine Fisheries Service under the provisions of the Endangered Species Act of 1973 (Pub. L. No. 93-205; 87 Stat. 884; 16 U.S.C. §§ 1531, et seq.), as amended.

c. Waters for which the designated use, as described by the classification system set out in subsections (c), (d), and (e) of 15A NCAC 2B .0101 (Procedures for Assignment of Water Quality Standards – General Procedures), have been determined to be impaired in accordance with the requirements of subsection (d) of 33 U.S.C. § 1313.

d. The following North Carolina water quality classifications are HQW by definition: Water Supply I (WS-I), Water Supply II (WS-II), Shellfish Harvesting (SA), and waters which DWR has received a petition for reclassification to either WS-I or WS-II.

18. Severe Property Damage

Means substantial physical damage to property, damage to the control facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

19. Significant Materials

Includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under section 101(14) of CERCLA; any chemical the facility is required to report pursuant to section 313 of Title III of SARA;

draft

fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with stormwater discharges.

20. Significant Spills

Includes, but is not limited to: releases of oil or hazardous substances in excess of reportable quantities under Section 311 of the Clean Water Act (Ref: 40 CFR 110.10 and CFR 117.21) or Section 102 of CERCLA (Ref: 40 CFR 302.4).

21. Stormwater Runoff

The flow of water which results from precipitation and which occurs immediately following rainfall or as a result of snowmelt.

22. Stormwater Associated with Industrial Activity

The discharge from any point source which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw material storage areas at an industrial site. Facilities considered to be engaged in "industrial activities" include those activities defined in 40 CFR 122.26(b)(14). The term does not include discharges from facilities or activities excluded from the NPDES program. See also the definition of industrial activities.

23. Stormwater Pollution Prevention Plan

A comprehensive site-specific plan that details measures and practices to reduce stormwater pollution and is based on an evaluation of the pollution potential of the site.

24. Ten Year Design Storm

The maximum 24-hour precipitation event expected to be equaled or exceeded on the average once in ten years. Design storm information can be found in the State of North Carolina Erosion and Sediment Control Planning and Design Manual.

25. Toxic Pollutant

Any pollutant listed as toxic under Section 307(a)(l) of the Clean Water Act.

26. Upset

Means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit limitations because of factors beyond the reasonable control of North Carolina State University. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment or control facilities, inadequate treatment or control facilities, lack of preventive maintenance, or careless or improper operation.

27. Waste Pile

A Waste Pile means a stack or pile of materials remaining from construction or maintenance activities. For North Carolina State University projects, these waste piles typically consist of earthen materials or construction material rubble.

draft

28. Vehicle Maintenance Activity

Vehicle rehabilitation, mechanical repairs, painting, fueling, lubrication, vehicle cleaning operations, or airport deicing operations.

29. 25-year, 24 hour storm event

The maximum 24-hour precipitation event expected to be equaled or exceeded, on the average, once in 25 years.

draft

THIS PAGE INTENTIONALLY BLANK

PART VIII ACRONYMS

Attachment B

ACRONYMS

BMP	Best Management Practice
CWA	Clean Water Act
DEMLR	NC DEQ Division of Energy, Mineral and Land Resources
EPA	Environmental Protection Agency (United States)
ESC	Erosion and Sedimentation Control
GIS	Geographical Information System
IDDEP	Illicit Discharge Detection and Elimination Program (previously ICID Program)
MCM	Minimum Control Measures
MS4	Municipal Separate Storm Sewer System
NCAC	North Carolina Administrative Code
NC DEQ	North Carolina Department of Environmental Quality
NCSU	North Carolina State University
NCGS	North Carolina General Statute
NHD	National Hydrography Dataset
NPDES	National Pollutant Discharge Elimination System
PCSP	Post-Construction Stormwater Program
SPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
USGS	United States Geological Survey
WS	Water Quality Designation – Water Supply water